

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000899

International filing date (day/month/year)
07.03.2005

Priority date (day/month/year)
05.03.2004

International Patent Classification (IPC) or both national classification and IPC
B63C9/00, B65D25/42, F16K15/20, F16L41/08

Applicant
MANGAR INTERNATIONAL LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. 1 Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
b. format of material:
☐ in written format
☐ in computer readable form
c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6, 13, 14, 19-25
	No: Claims	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations
see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)

10/591 887
IAP9 Rec'd PCT/PTO 07 SEP 2006

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PCT/GB2005/000899

Re Item V.

1 Reference is made to the following documents:

D1 : US 5 601 291 A (GAVIN ET AL) 11 February 1997 (1997-02-11)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document, see especially figures 2 and 3 of this document) the following limiting features of claim 1.

A fitting, suitable for being attached to a membrane (as made of elastomeric material), comprising a mounting adaptor (60 can be seen as a mounting adaptor), a resiliently deformable part (102, 104) associated with said mounting adaptor.

The subject-matter of claim 1 is thus not new.

Note:

The resiliently deformable part can even achieve the following claimed result: when the mounting adaptor (60) is exposed to the pressure of a fluid from the left side, the resiliently deformable part is urged into gripping engagement with an insert.

2.2 Dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, the reasons being as follows:

Claims 2 to 5, 7 to 12 and 15 to 18 contain elements which are also disclosed in the fitting of D1 or which relates to other entities (an insert, a membrane, a fluid) which are not part of the claimed subject-matter but are only mentioned in relation to its use. The subject-matter of claims 2 to 5, 7 to 12 and 15 to 18 is not new.

Claims 6, 13, 14, and 19 to 25 seem to concern slight constructional changes of the claimed fitting, which appear to come in the customary practice of the skilled person. The

subject-matter of these claims lacks an inventive activity.

Re Item VII.

A document reflecting the prior art described on page 1, is not identified in the description (Rule 5.1(a)(ii) PCT).

The independent claim is not in the two-part form in accordance with Rule 6.3(b) PCT, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII.

The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

Some of the elements mentioned such as the membrane, the insert, the fluid, in the apparatus claim relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.

These elements relating to the use of the fitting are not part of the claimed subject-matter, they are left out of consideration for the assessment of novelty (PCT Guidelines Chapter 12, paragraph 05).

Moreover, claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clear also in that respect: the claim attempts to define the subject-matter in terms of the result to be achieved.

The following passage of claim 1: "said resiliently deformable part being arranged such that when the mounting adaptor is secured to said membrane and exposed to a force exerted by fluid at one of two sides of the membrane, the resiliently deformable part is

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urged into gripping engagement with the insert", merely amounts to a statement of the underlying problem, without providing the constructive technical features necessary for achieving this result.